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AUTHOR Nussbaum, Tom
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ABSTRACT

This report highlights recommendations to the Board of Governors of the California Community Colleges for new minimum standards in the areas of instructional programs, faculty and facilities. Part I describes prior attempts to address the question of minimum standards in the community colleges and responds to the Educational Policy Committee's review and analysis of accreditation and the scope of statewide standards. Part II provides a revised analysis and recommendations concerning: (1) instructional programs, which cover program objectives, course and program approval, curriculum balance, program review, articulation with high schools and four-year institutions, information dissemination, academic calendar, criteria for credit and non-credit courses, class size, and program priorities; (2) faculty standards, which deal with the adequacy of education and training, sufficiency of faculty numbers, faculty evaluation, in-service training and professional growth, academic freedom, compensation, terms of employment, faculty role in governance, core faculty, and affirmative action; and (3) facilities standards, including the adequacy of libraries and learning resources and facilities planning. Part III provides staff proposals for new minimum standards in these areas. Appendices include current minimum standards, criteria, and sample language for minimum standards. (HB)

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Board of Governors of the
California Community Colleges
October 27-28, 1983

Item 6

Title: Minimum Standards for Instructional Programs, Faculty and Facilities

Staff Presentation: Tom Nussbaum
General Counsel

Summary

This information item presents new staff recommendations and follow-up to a July item, which, in turn, was prepared in response to Board direction when it adopted its new minimum standards in March of 1983. The item presents staff recommendations for new minimum standards in the areas of instructional programs, faculty, and facilities. It traces earlier actions on minimum standards, summarizes major changes occurring as the result of review by the Educational Policy Committee, and fully updates the analysis and recommendations contained in the July item.

The proposals for new minimum standards commence on page 15; while sample language for additional standards (not presently endorsed by staff) can be found in Appendix C on page 24.

JC 830 468

I. BACKGROUND

A. Earlier Actions

At its July, 1983, meeting, the Board was presented with an information item that addressed minimum standards for instructional programs, faculty, and facilities. That item was prepared in response to earlier Board action (March, 1983), when it adopted its major new set of minimum standards (Appendix A). Staff had recommended that current standards on these subjects could be repealed because they were already being monitored by other accountability mechanisms (accreditation), or because they were impermissibly vague. The Board felt that specific standards for these three subjects were still needed, and thus directed that then current standards be retained until more suitable ones could be adopted.

The July draft of minimum standards for instructional programs, faculty, and facilities was developed by identifying the major aspects which these standards could conceivably regulate, and then assessing these aspects against two of the Board's five criteria for minimum standards (Appendix B). Those two criteria essentially require that a minimum standard should only address a matter:

(1) which is not otherwise adequately addressed and monitored through other accountability standards and mechanisms; and

(2) which is of compelling state interest.

Then, once it has been determined that a minimum standard is appropriate, such standard should be drafted so as to:

(3) establish an achievable base level of performance;

(4) be objectively verifiable; and

(5) be capable of being monitored within the agency's limited resources.

B. Educational Policy Committee Review: Staff Response

At its meeting of July 14, the Educational Policy Committee heard testimony from the field, and extensively discussed the analysis and recommendations contained in the item. The gist of this discussion and Committee direction is highlighted below, as is a summary of staff response. A more particular recounting of the concerns raised, together with staff response, is incorporated in Part II of this item (Revised Staff Analysis and Recommendations), commencing on page 3.

1. Accreditation: Two faculty organizations (Academic Senate and FACCC) as well as some of the Committee members, continued to

express doubts about the policy of relying on the acccreditation standards and process to insure that certain minimum standards concerns are addressed. Essentially, these doubts are that the Accrediting Commission is a private entity, not controlled by the Board; that the process is confidential; and that the Board should not be delegating its responsibilities on matters as critical as instructional programs, faculty and facilities.

Staff acknowledges that when it comes to agency compliance monitoring responsibilities, there may be a stronger rationale for not relying on standards which the Board does not write and on a process which it does not control. As such, when developing minimum standards, staff will no longer take into consideration accreditation standards which are already in place.

With respect to agency planning and evaluation responsibilities, however, staff continues to advocate the need for reliance upon and interaction with the accrediting standards and process. Staff also continues to believe that the Board can play an important role in helping to strengthen the accreditation process; and that these efforts, through the FIPSE project and otherwise, need to continue.

2. Scope of Standards. At least a few Committee and Board members, and at least one faculty organization, have expressed the opinion that minimum standards ought not to be limited simply because the agency may not have the resources to monitor them. The concern is over the pinpoint nature of the staff recommendations and the belief that minimum standards ought to more comprehensively express the basic conditions for operation of a college.

   While staff appreciates these concerns, it must also point out that to pursue them would be in direct conflict with two of the Board's five criteria for minimum standards (See numbers 2 and 3 of Appendix B). Staff continues to believe that minimum standards are a compliance tool which should be developed in conjunction with other compliance tools. Also, to the extent the Board adopts minimum standards which the agency cannot monitor, it risks its credibility with the Legislature, the Governor, other entities of state government, and the field.

II. REVISED STAFF ANALYSIS AND RECOMMENDATIONS

A. Instructional Programs

Of the eleven aspects concerning instructional programs which could conceivably be addressed by minimum standards, the Committee identified four (denoted by asterisks) which it felt needed further work:

(1) Requiring stated objectives and functions for the instructional program;

(2) Requiring the curriculum to be consistent with the stated objectives;

(3) Requiring approval of courses and programs by the Board of Governors;

*(4) Requiring program or curriculum balance;

(5) Requiring a review process for the establishment, modification or discontinuance of courses or programs;

(6) Requiring program articulation with high schools and four-year institutions;

(7) Requiring information dissemination regarding instructional offerings;

(8) Requiring academic calendar approval;

*(9) Regulating criteria for credit and noncredit, as well as criteria for state support;

*(10) Regulating class size;

*(11) Establishing priorities for instructional programs.

The Committee generally agreed with the thrust of staff's recommendations for new minimum standards regarding aspects (5) and (6). Revised staff analysis and recommendations on each of the eleven aspects follows:

(1) Objectives for Instructional Program:

Current minimum standard Section 51020 (see Appendix A) requires a college to have stated objectives for its instructional program and the functions which it undertakes to perform. Staff had recommended that this standard was unnecessary because there is a very similar accreditation standard (1A) already in place.

Staff's revised position is that this current minimum standard is appropriate until comprehensive planning is implemented. A part of this planning process will call upon districts to identify their goals and objectives. Other parts will propose new courses and programs for approval. Staff believes that this planning process is a better mechanism for identifying the objectives for the instructional program.

(2) Curriculum Consistent with Objectives:

Current minimum standard Section 51021 (see Appendix A) requires a college to establish such programs of education and courses as will permit the realization of the objectives and functions of the college. Again, staff had recommended that this section could be repealed because there is a similar accreditation standard (2A) already in place.

Staff's revised position is that this current minimum standard is also appropriate until comprehensive planning is implemented.

(3) Course and Program Approval:

Education Code Sections 78200 and 78401, as well as Sections 55100 and 55130 of Title 5, require the Board of Governors to approve courses and programs. Sections 78203 and 78412 of the Education Code, as well as Section 58050 of Title 5, require courses and programs to be approved in order to generate state aid (ADA). These course and program approval requirements are monitored through fiscal audits of community college districts conducted pursuant to Section 84040 of the Education Code. No further regulation as a minimum standard is necessary.

(4) Curriculum Balance:

Staff did not recommend any new minimum standard on this subject primarily because it defied being put in an objectively verifiable context which was not also somehow arbitrary. Also, staff feels that concerns regarding curriculum balance can be better handled through the comprehensive planning process. The Committee, however, felt that curriculum balance was related to criteria for credit and noncredit (No. 9), and program priorities (No. 11); and that some sort of minimum standard for these aspects needed to be developed. Also expressed was the need for third and fourth semester courses in a major to be offered with sufficient frequency that a student can graduate on a timely basis.

In response to these concerns, staff has done additional work in two areas. First, it has developed a draft (See Appendix C) of a standard which addresses the frequency of course offerings issue. This draft is not recommended by staff because it feels the issue should be addressed as a finance issue rather than through minimum standards. However, the draft is provided for Committee use and adaptation.

A second area of work involves analysis of annual district reports on course classification. Staff will analyze these reports and statewide totals to determine possible policy implications. Further staff analysis will be brought to the Board.

(5) Program Review:

Section 55130 of Title 5 specifies criteria which must be addressed and met before the Chancellor will approve a program which a district wishes to establish. The Program Evaluation and Approval Unit of the Chancellor's Office carries out this review and approval function. Section 78016 of the Education Code requires vocational programs to be reviewed by districts every two years to assure need, nonduplication, and demonstrated effectiveness. Currently, the proposal for comprehensive planning has a component which addresses the establishment, review, and discontinuance of programs and courses.

While program review appears sufficient at the point in time of approval, staff believes that colleges need to have mechanisms in place to insure regular subsequent review. A current topic of considerable concern in the Legislature is the extent to which vocational offerings are being reviewed for need, nonduplication, and effectiveness. With the advent of the federal Job Training Partnership Act and state implementing legislation (bringing about private industry councils and new service delivery areas), there is even greater pressure for entities external to a college to be determining curriculum and program content. In order to maintain maximum autonomy regarding curriculum, community college districts will need to demonstrate that they are reviewing their offerings--that they are keeping pace with community needs regarding the establishment, modification, and discontinuance of courses and programs.

Staff has proposed a new minimum standard to deal with program review (See Section 51022 on page 15).

(6) Articulation:

Staff has been unable to locate any statute, regulation, or accreditation standard expressly requiring articulation between districts and four-year institutions. Education Code Sections 8530-8533 provide a delineation of functions for certain adult education responsibilities (adult basic education, high school diploma, vocational and occupational training), and call for mutual agreements between high school and community college districts. Average daily attendance is not allowed in the

absence of required agreements (Education Code Section 8512; Title 5 Section 58050), and this requirement is monitored through annual fiscal audits conducted pursuant to Section 84040 of the Education Code.

The Education Code does, however, require the Board of Governors to facilitate articulation with other segments of higher education and with secondary education (Section 71070). Currently, the comprehensive planning proposal is being developed to focus on the articulation concern. As a part of comprehensive planning, districts will be required to address statewide priorities identified by the Board of Governors. One such priority in the Board's initial statement calls for community college districts to "provide transfer programs of high quality which are carefully and continuously articulated with the senior institutions and the high schools."

Because articulation is such a critical variable in the transfer issue, and because the transfer issue is such a key concern of legislative and state agency policymakers, staff has developed a new minimum standard on the subject (See Section 51022 on page 15).

(7) Information Dissemination:

Section 58014 of Title 5 (an attendance accounting standard related to open courses) requires dissemination of information regarding course offerings. This standard is monitored through annual fiscal audits. No further regulation as a minimum standard is necessary.

(8) Academic Calendar:

Sections 55700-55732 of Title 5 require districts to obtain approval of the Chancellor prior to any changes in their academic calendar configurations. It is anticipated that the review and approval of academic calendars will be handled as part of a district's comprehensive plan. No further regulation as a minimum standard is needed.

(9) Criteria for Credit and Noncredit:

The Board has established criteria and standards for credit and noncredit courses in Section 55002 of Title 5. These criteria and standards are currently being monitored at the point of course and program approval by the Chancellor's Office. In the future they will also be monitored in connection with annual local fiscal audits. The Course Criteria regulations (see Item 9, amending Section 58050 of Title 5) contain a recommendation to make compliance with course criteria a condition for claiming attendance. No further regulation as a minimum standard is required.

(10) Class Size:

Class size is a topic expressly within the scope of collective bargaining. Class size is also intended to be regulated through the "50% Law" (Education Code Section 84362).

Staff believes that class size would be difficult to regulate at the state level without being either arbitrary or vague. Variables, such as the subject being taught, the methodology of instruction, and the use of instructional aides, all affect what the appropriate class size might be in any given instance.

On the other hand, staff recognizes that average class size has steadily gone up since Proposition 13, and that at some point in time the quality of instruction may be detrimentally affected. One way to address the issue without specifying actual class sizes is to be more specific about the role of academic senates with respect to instructional quality issues, such as class size. Academic Senates could be required to consult with exclusive representatives or district governing boards on class size and other academic or instructional quality issues that fall within the scope of collective bargaining. While this kind of a role would probably require legislation, staff has provided, for Committee information, the draft of a minimum standard on the subject (see Appendix C).

(11) Program Priorities:

The Board of Governors, in its initial Statement of Mission and Priorities, established policy on which programs are important from the state perspective. This statement, as well as its intended purposes, is under review.

Staff believes that program priorities should be used in connection with the comprehensive planning process, rather than being adopted and monitored as minimum standards. The diversity of the colleges and the communities they serve make inappropriate the imposition of a uniform, mandated set of program priorities.

Currently, the Statewide Academic Senate is studying the feasibility of a "core" curriculum for community colleges as a minimum standard. The concept of a "core" curriculum would also get at the curriculum balance issue. Staff will share and evaluate the Senate's findings when they are complete.

B. Faculty

Of the nine aspects concerning faculty which could conceivably be addressed by minimum standards, the Committee identified two (denoted by asterisks) which it felt needed further work:

(1) Adequacy of education, training, and experience of instructors;

(2) Sufficiency of instructional staff (in terms of numbers) for student contact and professional growth;

*(3) Evaluation of faculty;

(4) Inservice training and professional growth;

(5) Academic freedom;

(6) Compensation, benefits, and other terms and conditions of employment;

(7) Faculty role in college governance;

*(8) The necessary "core" of full-time faculty, or a limit on part-time faculty;

(9) Affirmative action.

The Committee generally agreed with the thrust of staff's recommendations for new minimum standards regarding aspects (5) and (7). Revised staff analysis and recommendations on each of the nine aspects follows:

(1) Adequacy of Education and Training:

The Education Code (Sections 87274-87277) and Title 5 (Sections 52000, 52060-52069) require community college faculty to have instructor credentials which are issued by the Board of Governors. These statutes and regulations specify minimum requirements for receipt of a credential. They are monitored through annual fiscal audits of attendance accounting procedures (Title 5, Sections 58050, 58060), which require instructors to possess appropriate credentials before attendance in courses they teach is counted for purposes of state aid.

Former minimum standard Section 51022 required colleges to have an adequate teaching staff showing adequate scholarship, experience and teaching ability for each major field in the curriculum. The Office of Administrative Law rejected this standard recently.

Staff did not propose any new minimum standards on this aspect primarily because there is an accreditation standard (3A) in place which covers this subject.

Testimony to the Board has generally focused on two concerns relating to faculty education and training. First, there is a concern that too many part-time instructors are teaching with

too little education and experience, made possible by legislation authorizing the Board of Governors to issue various limited service credentials. Second, there is a concern over competency to teach in subject areas when there have been reductions in force or reassignments.

Staff is currently reevaluating the statutes and regulations regarding limited service credentials to determine whether they should be toughened. Staff believes that if modifications are necessary, they should be made in connection with the applicable statutes and regulations themselves, rather than through new minimum standards establishing a limit on the percentage of instructors in a district who may teach with a limited credential.

With respect to competency, staff believes it may be appropriate to require each community college district to establish its own standards of competence. Such a requirement, however, could involve a considerable state-mandated cost due to the need for broad-based and professional input at the local level.

Staff has provided a draft (See Appendix C) of what a minimum standard requirement on district competency standards might look like. The draft is provided for Committee information and potential adaptation.

(2) Sufficiency in Numbers:

Former minimum standard Section 51023 required a college to have a sufficient number of faculty members to enable students to receive individual guidance and assistance in learning and to permit the continued professional growth of faculty members. The Office of Administrative Law recently rejected this standard.

Staff did not propose any new minimum standard on this subject primarily because there is an accreditation standard (3C) in place which covers this subject.

Class size, as well as terms and conditions of employment (faculty workload, office hours, and other job requirements) are negotiable items in collective bargaining. If the Board chooses to regulate in this area, it will need to be careful not to overly interfere with that process.

(3) Evaluation of Faculty:

The Education Code (Section 87663) specifies that contract (full-time) employees must be evaluated at least once each academic year, while regular (full-time) employees must be evaluated at least once every two academic years. Temporary

(part-time) employees are not required to be evaluated. Districts are required to adopt rules and regulations establishing their specific procedures for evaluation.

Collective bargaining agreements may provide for evaluation of employees other than those covered by the Code, or for more frequent evaluations of employees who are required by the Education Code to be evaluated.

Neither existing minimum standards nor accreditation standards directly speak to an evaluation requirement. Districts, in reporting staff data for the Chancellor's Office Information System, are required to indicate which of their employees they evaluate.

If the Board were to adopt a minimum standard requiring any kind of evaluation not required by the Education Code (such as evaluation of part-timers), a substantial state-mandated cost would be involved. Before such a regulation could be effective, the agency would need to secure legislative approval of an additional allocation of funds to reimburse districts.

Because of the state-mandated cost issue, staff favors direct legislative action to mandate any additional kinds of evaluation. Staff is developing a series of employment law reforms for the Board's legislative package, and the issue of additional evaluation mandates will be considered in this package.

(4) Inservice Training and Professional Growth:

Former minimum standard Section 51023 required each college to have a sufficient number of faculty...to permit the continued professional growth of the faculty members. The Office of Administrative Law recently rejected this standard. No accreditation standards directly speak to this aspect. The Education Code contains provisions which generally permit, but do not require, districts to grant leaves of absence or otherwise mandate professional growth activities. These Education Code provisions are, in turn, normally implemented through collective bargaining agreements. The Board of Governors has no express responsibilities regarding inservice training.

A state-mandated cost would again be involved if the Board chose to mandate a particular program of inservice training for faculty. Rather than addressing this aspect through minimum standards, staff favors consideration of this aspect in the Board's legislative package of employment law reforms.

(5) Academic Freedom:

Section 71079 of the Education Code requires the Board of Governors to adopt minimum procedures to ensure that faculty and students have the opportunity to express their opinions at the campus level. The Board has adopted such procedures (Title 5, Sections 53200-53205), but they have not been monitored by staff.

Faculty groups have recently testified that more and more decisions have been removed from the classroom, and that severe resource constraints, coupled with fears of being laid off, are acting to inhibit academic freedom. Staff has proposed a new, relatively modest, minimum standard to address the concern of academic freedom (see Section 51023, page 15).

(6) Compensation Benefits, Terms and Conditions of Employment:

Neither existing minimum standards nor accreditation standards deal with this topic. While such factors as office hours, faculty workload, and out-of-class responsibilities have an effect on the quality of service being provided, these matters have traditionally been considered the province of collective bargaining. Staff proposes to consider these collective bargaining issues in the Board's package on employment law, rather than through minimum standards.

(7) Faculty Role in Governance:

Pursuant to Section 71079 of the Education Code, the Board of Governors has adopted a series of regulations (Sections 53200-53205) providing for the creation and functions of local academic senates. These regulations also carry out the Board's mandate to ensure that faculty can express its opinions at the local level. The local senates, along with faculty bargaining agents in the collective bargaining process, carry out faculty responsibilities regarding governance. The Board of Governors does not monitor district compliance with regulations regarding academic senates.

Staff has proposed a new, relatively modest, minimum standard to address the concerns of faculty role in governance (see Section 51022).

(8) Core of Full-Time Faculty:

The concept has been proposed that each college needs some minimum core of full-time instructors to ensure that faculty can meet its responsibilities to participate in governance, help plan the curriculum, hold office hours, advise students, and otherwise provide quality instruction. The concept is frequently discussed in tandem with the part-time instructor issue, since these employees are not usually required to hold

office hours, participate in curriculum planning, or otherwise provide a full-time commitment to the college. Current law (Education Code Section 87613) limits the use of part-time instructors; it does not, however, address the concept of a core of full-time faculty.

In many respects, this concept of a core of full-time faculty is similar to the "Sufficiency in Numbers" (aspect #2), except that the core concept focuses on the numbers or percentages of full-time faculty members rather than the sufficiency in numbers of all instructors. Staff favors consideration of this "core of full-time faculty" issue in the Board's legislative package on employment reforms.

(9) Affirmative Action:

Current minimum standard Section 51010 requires districts to adopt affirmative action policies and plans, annually survey their employment patterns, undertake a program of recruitment, and substantially comply with regulations of the Board (Sections 53000 et seq.) pertaining to affirmative action. This standard was developed as a part of the Board's comprehensive review of minimum standards; no modification is proposed at this time.

C. Facilities

Of the three aspects concerning facilities which could conceivably be addressed by minimum standards, the Committee identified one (denoted by asterisk) which it felt needed further work:

*(1) The adequacy of libraries and learning resource centers;

(2) The adequacy and sufficiency of facilities and equipment generally;

(3) The concept that facilities planning should be based on educational planning.

Revised staff analysis on each of these three aspects follows:

(1) Adequacy of Libraries and Learning Resources:

Former minimum standard Section 51024 required each community college to have an adequate working collection of books for each major field of the curriculum. New acquisitions are to be made in accordance with student enrollments. The Office of Administrative Law recently rejected this standard.

Staff originally did not make any recommendations for new minimum standards on this aspect because several accreditation standards (6A, 6B, 6C) were in place to address this issue.

Some organizations have recommended that the Board adopt standards which establish specific minimum numbers of books, periodicals, audiovisual materials, etc., depending on the number of full-time students attending the college. While these standards are objectively verifiable, staff believes they may also be somewhat arbitrary.

Given that the Board has specific responsibilities to set standards for library services in community colleges (Education Code Section 18101), and given the fact that library acquisitions are often the victims of fiscal cutbacks, staff believes a minimum standard on the subject is probably appropriate. Staff is essentially proposing that a professional assessment of learning resources be done every five years, with a copy of such assessment being transmitted to the Chancellor (See Section 51024 on page 16.)

(2) Adequacy of Facilities and Equipment Generally:

Under provisions of the Education Code, the Board of Governors reviews and approves or disapproves all capital outlay projects (including equipment) involving state funding. With respect to 100% locally-financed construction, the Board must still review and approve any outlay exceeding $150,000. All construction, whether state or locally financed, must first be addressed in a district's approved five-year master plan for facilities. Also, districts are annually required to submit an inventory of all space within the district. Finally, the Board administers a program of deferred maintenance funding which is handled on a project basis. Staff believes that the concerns relating to adequacy of facilities are being sufficiently addressed through these other accountability mechanisms. No minimum standard is needed for this aspect.

(3) Facilities Planning Based Upon Educational Planning:

Under current law (Education Code Sections 71028 and 81821) districts are required to submit master plans for educational programs and facilities; and plans for facilities are required to address future academic programs. These requirements are being adequately administered through the mechanisms of the Community Colleges Construction Act, described above. Greater improvements are being pursued in the comprehensive planning effort, where academic and facilities planning, as well as other planning requirements, will be consolidated into a single plan.

III. STAFF PROPOSALS FOR NEW MINIMUM STANDARDS

51022. Instructional Programs.

(a) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding program review, and shall also be consistent with planning requirements specified by the Board of Governors under Section 51008 of this Chapter.

(b) The governing board of each community college district shall, no later than July 1, 1984, develop, file with the Chancellor, and carry out its policies and procedures to provide that its courses and programs are articulated with proximate four-year colleges and high schools.

NOTE: Authority cited: Sections 66700, 71025, and 78405, Education Code.
Reference: Sections 71025, 71070, 78016, 78200, and 78405, Education Code.

Comment: Subsection (a) requires program review as required by statute (Education Code Section 78016) and as required by the Board of Governors as part of the comprehensive planning process. The appropriate cycle for program and course review will be fixed through regulations of the Board on comprehensive planning.

Subsection (b) requires articulation policies to be adopted and carried out by districts. The particular policies and procedures are up to local discretion.

51023. Faculty.

The governing board of a community college district shall:

(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.

(b) Adopt procedures which are consistent with the provisions of Sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.

(c) Substantially comply with district adopted policy and procedures adopted pursuant to subsections (a) and (b).

NOTE: Authority cited: Sections 66700, 71025, 71068, Education Code.
Reference: Sections 71025, 71068, 72292, Education Code.

Comment: Subsection (a) is already required by accreditation standard 3D and would, therefore, constitute no extra burden on districts. Subsection (b) is already required by Section 72292 of the Education Code. Subsection (c) requires "substantial" rather than absolute compliance. With the adoption of these provisions, the Board can begin monitoring these requirements with relatively little intrusion.

51024. Libraries and Learning Resources.

(a) The governing board of each community college district shall, at least every five years for each of its colleges, provide for a professional assessment of library or learning resource needs.

(b) The initial assessment shall be conducted not later than a scheduled time prescribed by the Chancellor, nor earlier than July 1, 1984.

(c) The assessment shall be conducted using applicable standards adopted by the Learning Resources Association of the California Community Colleges, or any other professionally recognized organization which has adopted standards for community college learning resources. A copy of the assessment shall be submitted to the Chancellor.

NOTE: Authority cited: Sections 18101, 66700, 71025, Education Code.
Reference: Sections 18101, 71025, Education Code.

Comment: Subsections (a) and (b) provide for the assessment to be conducted at least every five years. The Chancellor is given flexibility to set the timetable so that it can be linked with the accreditation cycle or comprehensive planning cycle. Subsection (c) addresses the standards to be used in conducting the assessment. LRACCC standards are not required to be used, nor are the persons to do the assessment prescribed.

APPENDIX A

CURRENT MINIMUM STANDARDS
(Effective August 13, 1983)

CHAPTER 1. MINIMUM STANDARDS

51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code Section 71025 and comprise the rules and regulations affirming and fixing the minimum standards, satisfaction of which entitles a district maintaining community colleges to receive state aid for the support of their community colleges. The provisions of this chapter are to be distinguished from the regulations contained in Chapter 15 (commencing with Section 51950) of this division. Those regulations constitute minimum standards for the formation and operation of a college which operates pursuant to Education Code Section 78037 and which will not receive or utilize state or local funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

HISTORY:

1. Repealer of Chapter 1 (Section 51000) and new Chapter 1 (Sections 51000–51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 1, see Registers 81, No. 4 and 77, No. 45.

51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) Adopt regulations consistent with the standards of scholarship adopted by the Board of Governors, as contained in Chapter 9 (commencing with Section 55750) of Division 6 of this part;

(b) File a copy of its regulations, and any amendments thereto, with the Chancellor; and

(c) Substantially comply with its regulations and the regulations of the Board of Governors pertaining to standards of scholarship.

NOTE: Authority cited: Sections 66700, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) Adopt regulations consistent with regulations of the Board of Governors pertaining to degrees and certificates, which are contained in Chapter 10 (commencing with Section 55800) of Division 6 of this part;

(b) File a copy of its regulations and any amendments thereto with the Chancellor; and

(c) Substantially comply with its regulations and the regulations of the Board of Governors pertaining to degrees and certificates.

NOTE: Authority cited: Sections 66700, 71025 and 71066, Education Code. Reference: Sections 71025, 71066 and 72285, Education Code.

51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "It is the policy of this district that, unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be reported for state aid, wherever offered and maintained by the district, shall be fully open to enrollment and participation by any person who has been admitted to the college(s) and who meets such prerequisites as may be established pursuant to regulations contained in Article 1 (commencing with Section 58100) of Chapter 2, Division 9 of Title 5 of the California Administrative Code."

(b) The statement of policy adopted by the board pursuant to subsection (a) of this section shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which average daily attendance is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700, 71025 and 84500.1, Education Code. Reference: Sections 71025 and 84500.1, Education Code.

51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for and approve comprehensive or master plans which include, among other plans, academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that they shall also address planning requirements specified by the Board of Governors.

(b) Such plans, as well as any annual updates or changes to such plans, shall be submitted to the Chancellor's Office for review and approval in accordance with Section 71028 of the Education Code and regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 71025 and 81805, Education Code. Reference: Sections 71025, 71028, 71091, 72231.5, 81820, 81821 and 81822, Education Code.

51010. Affirmative Action.

The governing board of a community college shall:

(a) Adopt a district affirmative action policy which meets the requirements of Section 53002 of this part;

(b) Develop and adopt a district affirmative action plan which meets the requirements of Section 53003 of this part;

(c) Annually survey its employment patterns in the manner required by Section 53004 of this part;

(d) Undertake a program of recruitment as required by Section 53021 of this part; and

(e) Substantially comply with the provisions of Chapter 1 (commencing with Section 53000) of Division 4 of this part.

NOTE: Authority cited: Sections 66700, 71025, 71068 and 87105, Education Code. Reference: Sections 71025, 71068, and Article 4 (commencing with Section 87100) of Chapter 1, Part 51, Education Code.

51012. Student Fees.

The governing board of a community college district may only establish such mandatory student fees as it is expressly authorized to establish by law.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72289, Education Code.

51014. Approval of New Colleges and Educational Centers.

(a) The governing board of a community college district planning the formation of a new college or educational center shall obtain approval of such college or educational center by the Board of Governors. Approval shall be obtained prior to the commencement of classes at the new college or educational center.

(b) The provisions of Chapter 11 (commencing with Section 55825) of Division 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700 and 71025, Education Code.

51016. Accreditation.

Each community college within a district shall be an accredited institution. Accreditation shall be determined by the Accrediting Commission for Community and Junior Colleges.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 78050, Education Code.

51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of these regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize in each college within the district, an organized and functioning counseling program. Counseling programs shall include, but not be limited to, the following:

(1) Academic counseling, in which the student is assisted in assessing, planning and implementing his or her immediate and long-range academic goals.

(2) Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends.

(3) Personal counseling in which the student is assisted with personal, family or other social concerns, when that assistance is related to the student's education.

(4) Coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in subparagraphs (1) through (3) of subsection (b) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 72620, Education Code.

51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71028 and 72231.5, Education Code.

51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Chapter 1 (commencing with Section 55000) of Division 6 of this part.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025 and 78200, Education Code.

CHAPTER 2. INVESTIGATION AND ENFORCEMENT OF MINIMUM STANDARDS

51100. Review of Colleges.

(a) The Chancellor, at least once each seven years, and at such other times as he or she deems necessary, shall review each community college to determine whether it has met the minimum standards contained in Chapter 1 (commencing with Section 51000) of this Division.

(b) In the event that the Chancellor determines that a visit to the college is necessary to investigate compliance, he or she shall inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum standards which will be investigated.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Section 71026 Education Code.

HISTORY:

1. Repealer of Chapter 2 (Sections 51100 and 51101) and new Chapter 2 (Sections 51100 and 51102) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 2, see Registers 81, No. 52, 77, No. 45; and 71, No. 27.

51102. Enforcement.

(a) If any review pursuant to Section 51100 discloses that a college is not in compliance with the provisions of Chapter 1 (commencing with Section 51000) of this Division, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) Accept in whole or part the district's response regarding noncompliance;

(2) Require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) Withhold all or part of the district's state aid. The amount of withholding shall be related to the extent and gravity of noncompliance, and shall require approval of the Board of Governors.

(c) The Chancellor shall report to the Board of Governors on any actions taken pursuant to subsection (b) of this section; provided that in the event he or she determines to withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the withholding.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 71025, 71026 and 84373, Education Code.

APPENDIX B

Criteria for Minimum Standards

1. *Minimum standards should represent base **levels** of performance **or** functioning which the Board believes **all** districts can and should **comply** with.*

   Minimum standards are not appropriate for requiring levels of performance which the Board hopes or would like to see districts achieve. Rather, the minimum standard establishes the base level of performance. The agency, of course, will be interested in moving districts beyond these base levels of performance; but it shouldn't do so through minimum standards. Rather, it should encourage and assist districts using such accountability mechanisms as statewide priorities and the comprehensive planning process.

2. *Minimum standards should be limited to those subjects which are the most critical in terms of compliance, with careful consideration given to assessing the staff time and resources necessary to monitor the standards and whether such time and resources can be made available without sacrificing other important agency responsibilities.*

   A minimum standard is a serious compliance mechanism because of its link with state aid and because it will be actively monitored. With respect to each and every aspect of a minimum standard, the Board should be certain that it is willing to withhold funds in the event of noncompliance. Also, the Board should consider the amount of time and resources it will take to actively monitor the minimum standard. Given other agency responsibilities and the limited resources available, the Board should determine that the active monitoring of compliance is essential and that other important agency functions won't be unduly impaired.

3. *Before deciding to adopt a minimum standard for a given subject the Board should consider other compliance mechanisms which are available to address compliance with the same subject.*

   As mentioned previously, the Board has available numerous compliance mechanisms other than minimum standards. For instance, with respect to attendance accounting standards and standards for the 175-Day Rule, the local fiscal audit is a workable compliance mechanism already in place. Consequently, the attendance accounting and 175-Day Rule standards don't need to be considered as minimum standards.

4. *Minimum standards should be limited to those subjects **specifically** designated by the Legislature or those subjects which are of such compelling state interest that the Board finds it necessary to impinge on local autonomy and control of the colleges.*

The Legislature specifically requires the Board to develop minimum standards for grading policies (Education Code 71066), for the employment of academic and administrative staff (Education Code 71068), and for district formation (Education Code 74100). Two other provisions (Education Code 66700 and 71025) confer broad power to establish minimum standards.

With respect to the exercise of this broad power, however, the Board needs to be mindful of the community college governance structure, and particularly its charge under Section 71023 of the Education Code:

> ...The work of the Board shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local autonomy and control in the administration of the community colleges.

When the Legislature requires the Board to adopt minimum standards on a given subject it should be assumed that a compelling state interest was present to justify the intrusion into local control. Generally speaking, the interest in uniformity, standardization, or certain minimum levels of performance is seen to outweigh the interest in allowing districts to tailor their own particular policies on a subject. The Board of Governors should consciously ask and answer a similar question: Is this matter of such compelling state importance that it requires us to impinge on local autonomy; and does the particular minimum standard leave as much local control intact as possible?

As to what constitutes a "compelling state interest," this concept is more of a conclusion of the Board, given the particular conditions which are found to exist, than it is a term which can be defined and applied. In general, a compelling state interest involves a documented or demonstrable problem which has not been (and probably cannot be) addressed by many or most districts, and which is resulting in a diminution in the quality of community college education, inequities to students, or damage to the perception of community colleges in the eyes of entities of State government (especially the Legislature) or the general public. The concept of compelling state interest essentially requires the Board to find that a real problem exists, and a problem that many districts aren't addressing, and that unless the Board intervenes it's likely that the Legislature or some other state agency will, thus hurting the community colleges as a whole.

5. *Minimum standards should be objectively verifiable; they should not be subjective or vague.*

There are at least three reasons why minimum standards should be objectively verifiable and clear. First, it is critical that districts clearly understand what is expected of them. On a matter which involves their receipt of state aid districts should not be left guessing about what they need to do. Second, the evaluation of compliance with minimum

standards should not be dependent on the subjective judgment of the particular person doing the evaluation. Different persons should be able to apply the standards and reach the same conclusions. Finally, a standard which is vague would probably not withstand a court challenge or otherwise be legally enforceable.

APPENDIX C

SAMPLE LANGUAGE FOR MINIMUM STANDARDS

1. Frequency of Course Offerings.

_____. Minimum Class Offerings.
Courses necessary for students in the second year of a two or four-year degree program shall be offered on a regular cycle, with a frequency of not less than once every four semesters.

2. Class Size.

_____. Class Size.
Prior to concluding a negotiated contract with an exclusive bargaining representative for certificated instructors, the governing board of a district shall consult with and consider the input of its academic senate or senates concerning (class size) (terms or conditions of employment) that have a direct impact on the quality of instruction being provided.

3. Adequacy of Education and Training -- Competency Standards. Amend proposed Section 51023 as follows:

51023. Faculty.
The governing board of a community college district shall:
(a) Adopt a policy statement on academic freedom, which shall be made available to faculty and filed with the Chancellor.
(b) Adopt procedures which are consistent with the provisions of Sections 53200-53205 of this part, regarding the role of academic senates and faculty councils. Such procedures shall be filed with the Chancellor.
(c) Adopt standards of competency for certificated instructors, with academic senate involvement, to be applied in connection with reassignments and reductions in force.

~~(c)~~ (d) Substantially comply with district adopted policy, ~~and~~ procedures, and standards adopted pursuant to subsections (a) ~~and~~ (b) and (c).

ERIC Clearinghouse for Junior Colleges
8118 Math-Sciences Building
University of California
Los Angeles, California 90024
NOV 11 1983